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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,386

05/24/2006

Timo Surakka

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EXAMINER

HOANG, SON T

ART UNIT

PAPER NUMBER

2165

NOTIFICATION DATE

DELIVERY MODE

10/20/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/559,386	Applicant(s) SURAKKA ET AL.	
	Examiner SON T. HOANG	Art Unit 2165	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: None.
 Claim(s) objected to: None.
 Claim(s) rejected: 1-5 and 7-31.
 Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/NEVEEN ABEL JALIL/
 Supervisory Patent Examiner, Art Unit 2165

/S. T. H./
 Examiner, Art Unit 2165

Continuation of 11. does NOT place the application in condition for allowance because:

The arguments received on September 27, 2010 have been fully considered and are not persuasive.

First, Applicant argues towards the combination of Borkovsky and Rogson regarding that it does not show or disclose "referencing to respective entries in the reference data set by adding the value of the data field to the synonym set without intervention of a user before searching for a counterpart."

The Examiner respectfully disagrees with the above remarks. The action claimed to be "without intervention of a user" is clearly the "adding the value of the data field to the synonym set" step. Accordingly, Rogson teaches "referencing to respective entries in the reference data set by adding the value of the data field to the synonym set without intervention of a user before searching for a counterpart" (Figure 8 shows dynamic update 535 added the misspelled word and its correction for future reference, [0026]). In other words, Rogson explicitly teaches the step of adding value of data field to the synonym is totally carried out automatically by the dynamic module 533. Clearly, the "adding" step of Rogson does not require user intervention as claimed.

Second, Applicant argues towards the combination of Borkovsky and Rogson regarding that it does not show or disclose "at least one quality parameter" for writing variations.

The Examiner respectfully disagrees with the above remarks. Rogson teaches writing variations of a number of words made by users (the pair consisting of misspelled word "copmany" and the correct spelling "company" should now be added to static update list, [0032]). Since a correctly spelled word and a misspelled word indicate the same subject matter a user wishes to express, the correctly spelled word and the misspelled word are clearly synonyms. Rogson further discloses a probability is used to determine if two words are synonyms based on a correction frequency of that particular word (if the user types "theri," the user has corrected this misspelling to "their" 60% of the time, and the user has corrected this misspelling to "there" 40% of the time, the Markov process can "guess" with 60% certainty that the user intended "their", [0046]). This disclosed probability is indeed the claimed quality parameters.

Third, Applicant argues towards the combination of Borkovsky and Rogson regarding that it does not show or disclose if the synonym set was updated, said comparison to the synonym set comprises comparison to the updated synonym set in the computer readable database.

The Examiner respectfully disagrees with the above remarks. Borkovsky teaches wherein if the synonym set was updated, said comparison to the synonym set comprises comparison to the updated synonym set in the computer readable database (the set of candidate alternative spellings may include spellings that were selected by a spelling checking routine and/or a routine that selects synonyms of received spellings, [Column 11, Lines 54-55]. The search engine may confidently add the spelling "Lincoln" to the dictionary file and omit the spelling "Lincon" from the dictionary file, [Column 11, Lines 62-65]). It is quite inherent that later searches with any (different or identical) input query would then also be compared with the newly updated dictionary file. This is true for all cases since, for example, the spelling of "Lincoln" is now a part of the dictionary file. Any subsequent query will have to be compared to this dictionary file with "Lincoln" word stored in this updated dictionary file.

Since the arguments are not persuasive, rejections of the Final Office action mailed on May 25, 2010 are hereby sustained. The amendment is now entered for appeal purposes.